

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the matter of:

| | | |
|------------------------|---|-----------------|
| HERMAN RANSOM |) | |
| |) | |
| COMPLAINANT |) | |
| |) | |
| VS. |) | CASE NO. 95-026 |
| |) | |
| KENTUCKY POWER COMPANY |) | |
| |) | |
| DEFENDANT |) | |

O R D E R

On January 18, 1995, the Commission received a complaint from Herman Ransom against the Kentucky Power Company ("Kentucky Power") regarding a billing dispute. Apparently the apartment building in which Mr. Ransom resides was wired incorrectly. Some of the electric meters did not correspond to the appropriate apartments resulting in Mr. Ransom being charged for less electricity than he actually used. According to Mr. Ransom, he is therefore being billed \$107.00 by Kentucky Power.

The Commission is empowered by KRS 278.260 to investigate a complaint against a utility that action taken by it is unreasonable or unjustly discriminatory. Pursuant to Commission Regulation 807 KAR 5:001, Section 12(4)(a), upon the filing of a formal complaint, the Commission is to examine whether a prima facie case has been established. If the complaint does not establish a prima facie case, the complainant is to be notified and may be given the opportunity to amend the complaint within a specified time. A prima facie case is one where sufficient evidence has been

produced, if evidence to the contrary is disregarded, to support a favorable finding.

Based upon a review of Mr. Ransom's complaint and being otherwise advised, the Commission hereby finds that a prima facie case has not been established. KRS 278.160(2) states that:

No utility shall charge, demand, collect or receive from any person a greater or less compensation for any service rendered or to be rendered than that prescribed in its filed schedules, and no person shall receive any service from any utility for a compensation greater or less than that prescribed in such schedules.

Mr. Ransom's complaint does not suggest that Kentucky Power is demanding greater compensation than it deserves for service rendered. On the contrary, it appears that Mr. Ransom has received service from Kentucky Power for less compensation than prescribed in its schedules.

Mr. Ransom's complaint also gives no indication that Kentucky Power has not complied with 807 KAR 5:006, Section 10(2). This regulation provides, in part, that if a customer has been incorrectly billed, "the utility shall immediately determine the period during which the error existed, and shall recompute and adjust the customer's bill to either provide a refund to the customer or collect an additional amount of revenue from the underbilled customer." The utility is required to readjust the account based upon the period during which the error is known to have existed. Customers who were underbilled cannot be required to repay over a shorter period of time than the period during which the underbilling took place.

As Mr. Ransom has failed to establish a prima facie case, the Commission will hold his complaint for 20 days to give him an opportunity to file additional information to support his claim that Kentucky Power has acted in an unreasonable or unjustly discriminatory manner. If no amendment setting forth a prima facie case is received within 20 days, the complaint will be dismissed.

IT IS THEREFORE ORDERED that:

1. Mr. Ransom be and hereby is granted 20 days from the date of this Order to file an amended complaint stating a prima facie case against Kentucky Power Company that the charge is unreasonable or unjustly discriminatory.

2. If an amended complaint is not filed within 20 days of the date of this Order, the Complaint shall be dismissed without further Order of the Commission.

Done at Frankfort, Kentucky, this 26th day of January, 1995.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director